



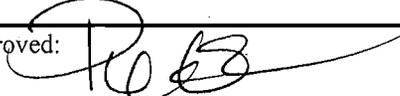
# Memorandum

**TO: Rules and Open Government  
Committee**

**FROM: Councilmember Pierluigi Oliverio**

**SUBJECT: SEE BELOW**

**DATE: September 28, 2007**

Approved: 

Date: 9/28/07

## **RECOMMENDATION**

I respectfully ask that the San Jose City Council direct city staff to move forward in negotiating a final price within the available project budget and purchasing the land that is for sale from Union Pacific between the boundary of Los Gatos Creek and Highway 87 that has been identified in the Greenprint for the Willow Glen Spur Trail.

## **BACKGROUND**

In 2000, the Union Pacific Railroad (UPRR) ceased its rail line operation between Los Gatos Creek and Senter Road (near Happy Hollow Park). In an effort to provide trail and park space in San Jose, the City Council adopted the Greenprint in September 2000. The document defined a trail alignment linking Los Gatos Creek, Guadalupe River and Coyote Creek.

In 2002, the City of San Jose was given the "first right of refusal" letter from the property owner which would have allowed the City to move forward in purchasing the land owned by Union Pacific if funding was immediately available. Funds were not available at that time so the City did not purchase the property.

Since 2002, the City of San Jose has been aggressively looking for funding sources for the purchase of parcels to permit the future development of the Willow Glen Spur Trail. In addition to seeking grants, this includes the City Council recently adopting revisions to the Parks Trust Fund ordinance to make trail acquisition an allowable use of this funding. At the same time, soil testing has occurred, and coordination with UPRR has taken place to define required remediation for anticipated land uses. The City has also worked with private developers that have, or have sought to acquire parcels, to ensure that sufficient right of way is reserved for a continuous trail alignment whenever feasible.

Currently, Union Pacific is requesting over \$20 Million for its property between Los Gatos Creek Trail through Happy Hollow Park. The City does not have this amount of money to spend; however, through various sources, the City has approximately \$4 Million identified which could be allocated to the Willow Glen Spur project. On top of this, the City has been awarded a grant of \$2 Million from the County of Santa Clara that can be used as a 25% matching source for the project.

In addition to the County grant, the City funding sources include \$621,000 from the Parks Trust Fund and \$300,000 from Council District 6 Construction & Conveyance (C&C) Tax Funds. Additional funding sources include a \$300,000 grant from the Santa Clara Valley Water District (SCVWD), an \$800,000 State Proposition 40 grant, and \$2 Million of grants from the Open Space Authority. These funds can and should be made available quickly to proceed with the purchase of various pieces of land between Los Gatos Creek and Highway 87. Following the negotiation of the final purchase price, any project savings should be allocated back to the C&C and/or Park Trust Funds.

The City of San Jose has committed and continues to move forward in acquiring land for park and trail use. The subject and discussions of the Willow Glen Spur trail have been in process now for over seven years. It is time to move forward in beginning the process of purchasing the pieces of land with the money that we have allocated to the Willow Glen Spur Trail. Although we do not have the full funding to buy all of the land at a cost of \$20 million, we do have a reasonable amount to purchase major portions of the trail to continue the walkable and livable community San Jose strives to be. The amount of money available should be used towards the purchase of parcels between Los Gatos Creek and Highway 87 because these permit linkage between the existing Los Gatos Creek Trail and future extension of the Guadalupe River Trail.

Staff from the Administration and City Attorney's Office should also review and report to the City Council with recommendations to improve the City's trail planning process. I understand that we have traditionally been limited to "master planning" properties that the City owns or otherwise controls, which in cases like Willow Glen Spur, limits our ability to engage the community in substantive discussion of the functional and financial viability of a trail. The City of San Jose is a leader in trail development, and we should look to ways to improve our planning for the future.

The current status of the Willow Glen Spur Trail is as follows:

**1). Los Gatos Creek to Broadway Avenue.**

A broker and developer are considering development of residential homes. The land is already zoned for this type of development. The broker has sought to accommodate the City's desire for a trail by indicating a 10' wide pathway along the proposed roadway/driveway between Coe Avenue and Los Gatos Creek. The same broker is proposing a 6' wide attached sidewalk along Leona Court, with a 10' wide pathway providing access between the cul-de-sac's terminus and Broadway Avenue. However if the broker wishes to build more homes than what is currently zoned, then he/she would have to obtain a Planned Development (PD) permit to build more homes and the City would have the option to have the trail be part of the PD.

**2). Broadway Avenue to Willow Street.**

This parcel is currently for sale and is bounded by residential properties. The acreage for this parcel is approximately 1.46 acres (63,522 sf). Staff should negotiate a final purchase price with UPRR for this property.

**3). Willow Street and Bird Avenue.**

This parcel is too small and not needed to complete the trail.

**4). Bird Avenue to Minnesota Avenue.**

This parcel is currently for sale and runs along residential housing. The acreage for this parcel is approximately 2.84 acres (123,705 sf). Staff should negotiate a final purchase price with UPRR for this property.

**5). Minnesota Avenue to Guadalupe River.**

The piece of property has been sold to Pulte Homes. Construction of 13 homes is underway. The project includes a trail and landscaping improvements along Hervey Lane, with a 10 foot pathway leading to a point near the Guadalupe River. This alignment permits future extension of the trail.

**6). Guadalupe River**

PRNS to work with Army Corps of Engineers and SCVWD to ensure that the existing bridge is recognized as part of a trail system, and must be replaced or preserved with future flood control improvements. At this time, it is not clear what action is required by the City, but purchase of the structure and underlying property may not be necessary.

**7). Guadalupe River to Highway 87.**

This area is part of the Taimen Area Specific Plan and is directly adjacent to the Elks Lodge property. If the railway property has been secured by the current owner, and high density housing is proposed – PBCE will be able to condition the development of the trail because of the anticipate high number of residential units.

**8). Highway 87**

PRNS staff to work with Caltrans to determine feasibility of securing a right of way easement beneath the highway structure and development of a ramping system to gain access to the Highway 87 Bikeway. This improvement would be consistent with the community's request for similar access from Alma Avenue. The City Council required the developer of the Tamien Tower project to provide funding for a feasibility study.

**7). Highway 87 to Happy Hollow Park/Coyote Creek.**

The area between Highway 87 and Happy Hollow Park is primarily zoned industrial. Moving forward with a trail in this area will need to be reviewed with the Police Department, Planning, Caltrans, Department of Transportation, business along the path and possible other entities. Major challenges presented by this alignment include: development of a pedestrian bridge to span active railway near Highway 87, mitigation of privacy issues for residences along a future pedestrian bridge, mid-block crossings at Monterey Highway, 7<sup>th</sup> and 10<sup>th</sup> streets, safety concerns with trail development industrial development.

The City may wish to consider acquiring a narrow strip of land along all parcels to permit a continuous trail at some point in the future. But this approach would require that future adjacent development have appropriate set back and visibility so that trail does not become an alley way with no intermediate points of escape.

This memo has been coordinated with the City Managers office and Parks, Recreation and Neighborhood Services.